

Manuel Rios,

Plaintiff,

*versus*Jeremy Kine's, *et al.*,

Defendants.

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Civil Action H-18-1817

**ENTERED**

June 13, 2018

David J. Bradley, Clerk

### Opinion Striking Complaint

Manuel Hiram Rios has sued Jeremy Kines's Texas Department of Public Safety, MSB Corporation. He is not assisted by counsel. Reading the complaint generously, Rios seems to have been arrested in Monahans, a town in Ward County, between Pecos and Odessa Texas. The charges were driving without a license and speeding in a school zone. His car was towed. Although he names the Department of Public Safety, the arrest involved the police of Monahans.

Rios pleaded that he was not a resident of Ward County rather that he lived in Harris County, about 550 miles to the east; it is mostly Houston. In his complaint, he listed his address as a post office box in Monahans, but he gave the officer an address on Betty Avenue in Monahans.

He does not mention MSB in his complaint much less suggest what it may have done for which it might be liable.

The essence of the complaint is that he is not happy about his car's having been towed. He does not mention the highway patrol except in connection with some problem of fees in Victory County, which he probably meant to be Victoria County. It is about 470 miles to the east southeast. Victoria County is about 120 miles southeast of Harris County.

These few facts are mixed with abstract assertions of rights violations and damages of hundreds of thousands of dollars. He wants the bonds and insurance that the defendants have. He does object to having been arrested and held for a crime without a potential jail term, but that should have been addressed in his

criminal case. A second offense of driving while one's license is invalid carries a penalty of up to 180 days in jail. Tex. Pen. Code Ann. § 12.22; and § 521.457(a), (f) (West 2017). This was his third arrest.

The complaint will be struck, and Rios will have two weeks to plead again with a brief coherent narrative and essential factual details.

Signed on June 13, 2018, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'Lynn N. Hughes', is written over a horizontal line.

Lynn N. Hughes  
United States District Judge